App. F. IX-4

Previous References

1927:30 (Law)

File No. 27-29

Serial Nos. 1-4

Later References

Presume 17/7/43

General and Revenue Secretariat.

Serial Nos. Zero

Part B for May 1930

SUBJECT

1 Opinion as to whether the Consent of the Madras Govt is necessary to the Receiving of the Capacity of Bridge Bank Manager Salem

(4 2: The Chief Engineer Nilgiris Bridge Circle. Inspection Circle 1929-30 Letter forwarding his opinion as to whether the Madras Govt is necessary

R Dec 1930 20.5.1930

No. 1

Letter no 8771 dated 17th Jan 1934 from the Chief Engr requesting for opinion as to whether under the circumstances mentioned in the P.O.D, the consent of the madras govt is necessary for the raising of the capacity of Dodda Kalve Tank, Hashinji in Mysore.

The Dodda Kalve Tank is on one arm the Jayamangali river & the surplus wa goes to the river.

It is proposed to raise the waste wei of the tank and the opinion asked for is as to the necessity of obtaining the con of the madras govt under the Agreement of 1892.

A copy of the agreement is not sent Draft calling for the same put up

(L.R.)

2 To the Chief Engr
4419 of 21/1/34
Calling for a copy of the Agreement of 1892 ref to

General and Revenue Secretariat

Law File No. 97 of 1929

Serial No.

a copy of the Agreement of 1892 regarding the restoration & construction of irrigation works in the Mysore State affecting interests of Madras Districts.

Under the agreement of 1892 (page 67 of the printed book), the Mysore Govt cannot construct without the previous Consent of madras any "New Irrigation Reservoir" as defined in ~~the~~ clause across any stream named in Schedule B below the point specified in column 5 of the said schedule B or in any drainage area specified in the said schedule. Serial no: 22 of Schedule B dealing with the Jayamangali river in question states no new irrigation reservoir is to be built within 25 miles from the State frontier measured up the stream and up to the junction of the Jayamangali river with Garudachala Stream.

It is not clear from the papers sent whether the Dodda malur Tank whose weir level is proposed to be raised is within the limits specified above. If it is not, no question of getting the Consent of Madras arises in the case

Serial No.

the next point to be considered is whether the proposed Construction is a Construction of a "new Irrigation Reservoir as defined in the Agreement It is clear from clauses 3 and 4 of rule 1 of the agreement that the test to be applied in each case is whether the proposed Construction effects an increase in the quantity of water to be impounded or the area to be irrigated over that previously impounded or irrigated. Previously" in clause 3 of rule 1 must refer to the date of the agreement & not to the date of the proposed Construction Hence if such construction does not in any way increase the quantity of water impounded or the area irrigated before 1892, then no previous Consent of the Madras Govt is necessary under the agreement

Now the Dalal's letter of 18-7-1896 indicates that the ryots ~~have~~ were storing water to 51·5 by raising a kutcha dam on the weir for many years before 1896. The present proposal is to raise the weir permanently to R.L. 51·00 only, thus restoring the capacity of the tank to about 287 units, the present capacity being only 216 units. It is said that in 1900 the tank was restored to a capacity of 260 units.

WD 066—GPB—80,000—26-7-29

5 5 18

MYSORE PUBLIC WORKS
DEPARTMENT.

From

The Chief Engineer of Mysore

To The Secretary to Government
Law Department
Bangalore.

No. 15733
Fns 163

Dated Bangalore, 5/5/ 1930

SUBJECT
Raising the capacity of Doddamalur Tank in Nagamangala Taluk.
No. 10615 dated 1. 3. 30.

Subsequent reminder
No. 11701 dated 26. 3. 30.

Sir,

I have the honour to invite reference to the communication noted on the margin and to request the favour of an early reply thereto.

I have the honour to be,
Sir,
Your most obedient servant,

7.5.30

Chief Engineer of Mysore.

7.5.30

WD 2176—GPB—3,750—5-6-28

Thus the present proposal does not effect any increase in the quantity of water impounded when compared with that in 1892 and does not therefore require the previous consent of the Madras Govt under the agreement, since the proposal comes under the definition of "Repairing Irrigation Works" in cl 3 of rule 1. of the agreement

Draft reply Ch Engr Retd.

DDM
7.3.30

L-R.)

26 May 1930 7/3

To the Chief Engr
W 675
P 6208 Dated 15.5.30.
intimating that the construction would not require the consent of the Madras Govt—

3465 Fs

No. 8771

Enc. 6.

Public Works Department,

Central Office,

Dated, Bangalore, 17 January 1930

Law 97-28

From Rajasevasakta

J. BHORE, Esq., A.M.I.C.E., Etc.,

Chief Engineer of Mysore,

Bangalore.

To

P. Mahadevaiya, Esq., B.A., B.L.,

Secretary to Government,

Law Department,

Bangalore

Law 18/1

Raising the capacity of Dodda Malur tank, Regd: No.216 of Madhugiri Taluk.

Sir,

I have the honour to forward herewith letter No.1152 dated the 29th July 1929, submitting an estimate for the above work and to state that the report explains the proposals.

2. No extension of the atchakat below the tank is contemplated and as the present capacity of the tank is not adequate to the atchakat below, it is proposed to raise the weir level to R.L.51.00. The ryots have been in the habit of raising a turf bund on the weir by one foot from a long time as will be seen from a proposal received in 1896 by Mr.C.T.Dalal to permanently raise the weir level to R.L.51.00.

3. I request you to kindly furnish your opinion whether in view of the fact that the ryots have established a right by usage to put up bunds to level R.L.51.00 from a very long time, the consent of the Madras Government is at all necessary under the Agreement of 1892.

The favour of a very early reply is requested.

I have the honour to be,
Sir,
Your most obedient servant,

Jhs/Bhore 16.1.30

Chief Engineer of Mysore.

Appendix F G—1

SUBJECT.....

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Diary No. of letter replied to.....

Section Land

File No. 97-29

Serial No. 2

No. 4449

General and Revenue Secretariat

( )

the 192

To

The Chief Engineer of Mysore

Date of issue 21/2/30

Signed by

Sir,

With reference to your letter No: 8771 dated 17th January 1930 regarding ~~to~~ raising the capacity of Dodda Kalve Tank of Heebsingiri Taluk, I have the honour to request you to send for reference a copy of the Agreement of 1892 referred to in your letter No. I have ask

List of enclosures.....

Copied by

Examined by .....

over Regards

WD 068—GPB—20,000—1-8-29

Yours

4268

Public Works Department,

Central Office,

No. 1065

Enc. 1 Copy of Agreement

Dated, Bangalore, 1/3/1930.

Law 97-29-3

From Rajasevasakta
J. BHORE, Esq., A.M.I.C.E., Etc.,
Chief Engineer of Mysore,
Bangalore.

To

P. Mahadevaiya, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Law Department,
Bangalore.

Sir,

As desired in your letter No.P.4419/Law.97-29 dated the 19th/21st February 1930, I have the honour to forward herewith a copy of the Agreement of 1892 regarding the restoration and construction of irrigation works in the State affecting interests of Madras Districts.

I have the honour to be,

Sir,

Your most obedient servant,

J. Bhore 1.3.30

CHIEF ENGINEER OF MYSORE.

Appendix F G—1

SUBJECT.....

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Diary No. of letter replied to.....

Section Law

File No. 17-29

Serial No. 4

No. P6208(6)

General and Revenue Secretariat

( )

the 192

To

The Chief Engineer of Mysore

Bangalore

Date of issue..... 13/6/30

Sir,

Signed by..... M N S

With reference to the correspondence ending with your letter no: 1061 S dated 10th march 1930 regarding ~~the~~ raising the capacity of Doddamahuva Tank of Madhugiri Taluk, I have the honour to state that, since it is ~~stated~~ ~~reported~~ that ~~the proposed construction does not in any way increase either~~ the quantity of water to be impounded or the area to be

List of enclosures.....

Copied by.....

Examined by.....

over

appear the proposed construction is not more than that impounded or diverted

irrigated before 1892, the proposed raising of the weir level falls under a "repair of the Irrigation works as defined in clause 3 of rule 1 of the Agreement with the Madras Government and does not therefore require their Consent.

The six enclosures to your letter No: 8771 dated 17th January 1930 are herewith returned.

Dy Chief Engineer

Legal R[illegible]

Dy

7.3.30

No P 6208(6) 9/136
38

The Chief Engineer of Mysore,

Bangalore.

With reference to the correspondence ending with your letter No.10615 dated 1st March 1930 regarding raising the capacity of Doddamalur ~~Town~~ Lawn of Madhugiri Taluk, I have the honour to state that, since it is stated that the quantity of water to be impounded or the area to be irrigated after the proposed construction is not more than that impounded or irrigated before 1892, the proposed raising of the weir level falls under "repair of the Irrigation work" as defined in clause 3 of rule 1 of the Agreement with the Madras Government and does not therefore require their consent.

The six enclosures to your letter No.8771 dated 17th January 1930 are herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

For Legal Remembrancer &
Secretary to Govt.,
Law Department.